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Letter dated 19 December 2012 from the Secretary-General addressed to the President of the Security Council

I refer to my letter dated 9 January 2012 (S/2012/28) informing the President of the Security Council of the progress made by the Cameroon-Nigeria Mixed Commission, and his reply dated 11 January 2012 (S/2012/29), in which he took note of my intention to continue the activities of the United Nations support team to the Mixed Commission with funding from the regular budget. In the same spirit, by the present letter, I would like to inform you of the latest achievements and activities undertaken by the Mixed Commission.

As you know, the United Nations established the Mixed Commission to facilitate the implementation of the 10 October 2002 ruling of the International Court of Justice (ICJ) on the Cameroon-Nigeria boundary and territorial disputes. Through my good offices, and with the support of the United Nations Secretariat, I have continued to facilitate the implementation of the ruling of the International Court of Justice.

The mandate of the Mixed Commission includes supporting the demarcation of the land boundary and delineation of the maritime boundary, facilitating the withdrawal and transfer of authority, addressing the situation of affected populations and making recommendations on confidence-building measures. Achievements to date in the implementation of the ruling of the Court include withdrawal and transfer of authority in the Lake Chad area (December 2003), along the land boundary (July 2004) and in the Bakassi Peninsula (a process which began in June 2006 and was compiled in August 2008), as well as delineation of the maritime boundary (May 2007). The Mixed Commission also approved all of the recommendations of the Working Group on the Maritime Boundary, including the provisions for cross-border cooperation on hydrocarbon deposits straddling the maritime boundary (March 2011).

In the course of 2012, the Mixed Commission continued to facilitate the process peacefully, including by helping to maintain dialogue and communication between the two countries. The most significant development was the course of events in Nigeria in the weeks prior to the 10 October 2012 deadline for the submission of an application for a revision of the ICJ judgment. Although the judgment is final and not subject to appeal, Article 61 of the Statute of the Court provides for circumstances under which a revision can be considered within a ten-year period from the ruling. Following intensive consultation with legal experts, and in spite of a motion voted in both legislative assemblies of Nigeria urging the

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Executive to invoke Article 61 of the Statute, the Federal Government of Nigeria decided not to pursue the revision of the 2002 judgment.

During its twenty-ninth session, which took place in Yaoundé on 30 and 31 August 2012, the Mixed Commission endorsed the latest outcome of the field assessment performed by the joint technical team of surveyors. To date, the parties have agreed on the demarcation of 1,845 kilometres of an estimated total of 2,000 kilometres of land boundary. The Mixed Commission also adopted the conclusions of the report of 6 December 2011 of the Independent Expert Team appointed to resolve the disagreement concerning determination of the boundary area of Mount Tosso, but agreed to defer the implementation of those conclusions so that the experts could appraise other areas of disagreement so as to provide a holistic approach to their resolution. Moreover, the Nigerian delegation undertook to expedite consideration of the draft framework agreement on cross-border cooperation on hydrocarbons straddling the maritime boundary.

It is expected that the field assessment of the areas of the boundary not yet assessed would be completed by the end of 2013, while the outstanding areas of disagreement would be settled by the end of 2014. This, in turn, would allow the finalization of the demarcation process, the final maps and the pillar emplacement work by the end of 2015. However, completion of the bulk of the demarcation work will depend on the ability of the two parties to reach an agreement on the remaining areas of disagreement in a timely manner.

The Mixed Commission reiterated its determination to initiate the work of final mapping during the first semester of 2013 and stressed the need for comprehensive planning to complete the outstanding tasks, including assessment of the remaining segments of the boundary line and the extraction of coordinates from the points of the watershed line. For this purpose, it was agreed that the demarcation work would be formally concluded in 2015 with a boundary statement to which a series of maps, elevated to the status of "legally-agreed maps" depicting the boundary line, would be appended. The statement, which will include an index of geographic coordinates of the agreed boundary points resulting from the field assessment, will be the "binding source" for the demarcation of the Cameroon-Nigeria boundary.

Reports by United Nations civilian observers monitoring the situation along the land boundary and in the Bakassi Peninsula have concluded that the prevailing situation continues to be peaceful.

Meanwhile, the Follow-up Committee established by the 12 June 2006 Greentree Agreement continued its work following the final transfer of authority in the "zone" in the Bakassi Peninsula from Nigeria to Cameroon on 14 August 2008. In 2012, three meetings of the Follow-up Committee were preceded by observers' visits to the above-mentioned "zone". The Committee noted improvement in the situation in the Peninsula as evidenced by the significant increase of the population and the good relations between the community and the authorities. A road connecting three subdivisions of Bakassi has been rehabilitated, facilitating commercial activities and the establishment of permanent residences for civil servants in the area.

Despite these positive developments, the local population continued to object to the restrictions imposed on fishing activities and the deterioration of the security

situation in the "zone" as a result of criminal activities, including acts of piracy. On 26 February 2012, the Governments of Cameroon and Nigeria signed a cross-border security cooperation agreement providing, inter alia, for joint border patrols and reaffirming their commitment to address law enforcement-related issues raised by the local population.

Throughout 2012, the Mixed Commission continued to support the formulation of confidence-building measures to guarantee the security and well-being of those populations affected by the demarcation. It also continued to promote initiatives aimed at enhancing trust between the two Governments and the affected populations. In that context, a road map has been established as an outcome of interactions between the two Governments and the United Nations country teams in Cameroon and Nigeria. In line with this road map, the United Nations Development Assistance Framework for each of the two countries has been revised to include the needs of the affected populations. In Cameroon, the programme document includes projects related to food security, water, health, energy, environment, micro-finance projects for income generation and vocational training.

In Nigeria, the projects are focused on livelihoods, water, education, energy, resettlement and infrastructure. The Mixed Commission intends to call upon partners, once the feasibility studies and cost estimates are completed, to sponsor projects aimed at strengthening cross-border, socioeconomic cooperation and the development of the border communities. In addition, the Lake Chad Basin Commission met at the ministerial level in N'Djamena on 25 April 2012 to discuss an investment plan for the revitalization of the basin area. This was followed, on 30 April 2012, by the Fourteenth Summit of Heads of State and Government of the Commission, who agreed to extend the mandate of its joint task force addressing security issues involving the border areas, to include the security challenges posed by the militant group, Boko Haram, north of the Cameroon-Nigeria land boundary.

In accordance with article 6 of the Greentree Agreement, and paragraph 4 of annex 1 to that Agreement, the activities of the Follow-up Committee shall cease on 14 August 2013, when the five-year period of the special transitional regime following the transfer of authority over the "zone" will expire.

After 31 December 2013, the following activities will be required to conclude the work of the Mixed Commission:

(a) Finalization of demarcation activities and the final maps;

(b) Facilitation of boundary pillar emplacement, financed by the trust fund for the demarcation activities;

(c) Promotion of cross-border cooperation, including maritime cooperation, and joint security monitoring along the land boundary; and

(d) Implementation of the exit strategy by handing over the activities of the Mixed Commission to the Joint Bilateral Commission and other subregional structures.

I would like to recall that, until 2003, the Mixed Commission was funded entirely from extrabudgetary funds. During the period from 2004 to 2012, the activities of the Mixed Commission were funded through the United Nations regular budget. The Governments of Austria, Bangladesh, Brazil, Canada, Italy, Norway, Pakistan, Sweden and Uruguay have provided in-kind contributions for the

substantive and technical work of the Commission (military and legal experts), in addition to the logistical support provided by the Governments of Cameroon and Nigeria, and the voluntary contributions of both countries, as well as those of Canada, the United Kingdom of Great Britain and Northern Ireland, and the European Union, to the trust fund for the demarcation activities.

Given the cost-effectiveness of the mission and the important tasks remaining at this juncture to help advance the peaceful implementation of the ruling of the International Court of Justice, it is my intention to ask for resources from the regular budget for the Mixed Commission for the period 1 January to 31 December 2013.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon